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SUBJECT: GERMANY'S FAMILY MINISTER ON THE FIGHT AGAINST TIP

REF: BERLIN 2534 AND PREVIOUS

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11. (SBU) SUMMARY. German Family Minister Ursula von der Leyen, meeting with the Ambassador, stressed Germany's commitment to fighting trafficking in persons. She noted the study, underway in the Ministry at her direction, to establish a factual analysis of the effects of the 2002 law concerning the promotion of prostitution. While the report will not be final until late 2006, she believes provisions passed under the Schroeder government have not had the desired effects. She is particularly concerned that by dropping the provision in the civil code that prostitution is against public moral standards police have lost a basis to check developments inside brothels, including the possible presence of TIP victims. The Minister would also like to focus more on clients. Von der Leyen noted the work the German government, police, and NGOs had done in the run-up to and during the World Cup including answering concerns from the international public. She agrees Germany should raise the profile of its anti-TIP efforts and sees potential for increased cooperation with the U.S. and others. We should consider how to partner more actively with Germany in specific anti-TIP programs. END SUMMARY.

12. (U) The Ambassador, accompanied by EMIN, met with Ursula von der Leyen (CDU), German Minister for Family, Senior Citizens, Women, and Youth, September 7 to encourage Germany's efforts in fighting trafficking in persons (TIP) and to follow-up on his initial formal discussion with the Minister on TIP in February. Von der Leyen was joined by Eva Maria Welskop-Defaa, Director General for Gender Equality (who joined the Ministry in May after heading the office of economic and social issues in the Central Committee of German Catholics, and who remains closely linked to the German Catholic Women's Movement).

Developing Her Facts to Revisit the 2002 Law  
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13. (SBU) Saying she had misgivings about the effects of the law the Schroeder Government passed in 2002 that amended the civil code so that prostitution is no longer considered against public moral standards (NOTE: legislation from 2005 raised the penalties for TIP), von der Leyen instructed the Ministry to conduct an in-depth analysis of the legislation and its impact. While the goal had been to improve the human dignity of prostitutes and help them move into other jobs, she is concerned it may also have made conditions too easy for brothel owners. She thinks as well that it has made it harder for police to check brothels, including to identify possible trafficking victims. Von der Leyen said the study's initial findings were inconclusive, so she has directed that further work be done. She also said police are divided on whether the change in the law made their work easier or

harder. When the Ambassador raised the question of whether the police could use health concerns as a reason to check brothels, von der Leyen said the division of portfolios meant such a question was in the purview of the SPD-run Health Ministry, thus suggesting it would be inappropriate for her to explore that point.

¶4. (SBU) Once she has the report showing the facts of the current situation, von der Leyen plans to approach the Social Democratic partners in Merkel's coalition to discuss possible new legislation. Von der Leyen is not looking to reverse all the changes the SPD made in 2002, but recalibrate the legislation so that it helps the women engaged as prostitutes. She also wants to put more of the focus on the clients. Von der Leyen plans to raise the results of the study and her interest in revisiting the 2002 amendments in a meeting with the CDU leadership as well. She does not want to start a public discussion of the issue before the study is complete in order to keep the debate from becoming emotional and, by implication, less effective.

¶5. (SBU) Reacting to our questions on police actions and prosecution for TIP-related activities, Welskop-Defaa said cases require the cooperation of the TIP victims and it has been very difficult to get the evidence needed for court proceedings. Without the necessary evidence, authorities have had to use lesser charges to get suspected traffickers. While the 2005 law made it easier to say someone was trafficked, the Ministry does not yet have statistics showing whether it has had this effect.

The World Cup

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¶6. (SBU) Von der Leyen noted her predecessor had been involved in preparations for the World Cup and pointed to good cooperation with the Interior Ministry and with state-level police. The Minister also pointed to work German authorities and NGOs had done in the run-up to the World Cup and during the events to raise public awareness of forced prostitution and to have a better system for dealing with it. The Minister was surprised by some of the allegations that had appeared in the international press before the games regarding forced prostitution in Cologne and elsewhere on the margins World Cup events and at how persistent these allegations had proved. The Ministry had received "an enormous amount of e-mails", for example, raising questions about TIP, but had also answered them receiving in return, Welskop-Defaa stated, numerous e-mails thanking the Ministry for the completeness of its answers. She said authorities had not reported an increase in TIP crimes during the World Cup.

A More Visible International Partner

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¶7. (SBU) Minister von der Leyen agreed with the Ambassador on the need for Germany to raise the profile -- domestically and internationally -- of its activities fighting TIP. It is important Germany show leadership in the fight against TIP, the Ambassador stressed. He also pointed out that senior figures in the U.S. Justice Department plan to come Germany in October to participate in an anti-TIP workshop, news that the Minister welcomed. She concurred that it is important that we better publicize this cooperation.

¶8. (SBU) Responding further to the Ambassador's point, von der Leyen agreed Germany's EU Presidency and the accession of Bulgaria and Romania should offer possibilities for further action and cooperation. Looking at countries outside the EU, she saw a potential for cooperation in educating people there to make them aware of the ruses traffickers use to attract potential victims.

Comment

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19. (SBU) The Family Minister's overarching point was that Germany is looking closely at the question of TIP and taking it seriously. Given this interest, the resources and efforts Germany is already putting into the international fight against TIP, and Germany's upcoming presidencies of the G-8 and the EU, this may be the time to look at how to partner with Germany more actively in specific anti-TIP programs.

End Comment.

TIMKEN JR